



## State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHYSICAL THERAPY  
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

August 29, 2001

DONALD T. DiFRANCESCO  
*Acting Governor*

JOHN J. FARMER, JR.  
*Attorney General*  
MARK S. HERR  
*Director*

By Certified and Regular Mail

Ms. Wendy Ferrara, P.T.  
11 Larson Lane  
Mt. Arlington, New Jersey 07856-1305

*Mailing Address:*

P.O. Box 45014  
Newark, NJ 07101  
(973) 504-6455

Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Ms. Ferrara:

This letter is to advise you that the New Jersey State Board of Physical Therapy (the "Board") has had an opportunity to review information concerning physical therapy services offered to various patients at HealthSouth located at 280 Newton Sparta Road in Newton, NJ. Specifically, the information reviewed included the patient billing records of Al Monaco.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.A.C. 13:39A-2.3(b) and N.J.S.A. 45:1-21(h) in that you supervised a physical therapist assistant and failed to contemporaneously cosign her entries in the patient record.

Specifically, a review of patient records of Al Monaco demonstrate that on April 21, 1999 Linda Jacobetz, Physical Therapist Assistant, provided services to Mr. Monaco. Ms. Jacobetz documented the services performed on the patient in the patient records and included her signature to the patient notes.

Information received from Donna Taylor, P.T. and administrator at the HealthSouth facility indicates that you were Ms. Jacobetz's supervising physical therapist on the day in question. However, a review of the patient record for this day is lacking your cosignature of the physical therapist assistant's entries in violation of N.J.A.C. 13:39A-2.3(b) which requires the physical therapist to contemporaneously cosign the PTA's entry in the patient record.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of formal disciplinary proceedings, should you consent to:

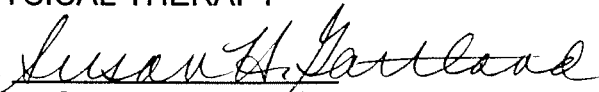
1. contemporaneously cosign entries to a physical therapist assistant's notes in patient records when you are the supervising physical therapist;
2. the issuance of a formal reprimand;
3. pay a penalty in the amount of \$1500 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter); This constitutes a penalty of \$1500 for failing to contemporaneously cosign PTA entries in a patient record.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will become a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Carmen A. Rodriguez, who may be reached at (973) 648-3696.

If you elect to settle this matter now you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD  
PHYSICAL THERAPY

By:   
Susan H. Gartland  
Executive Director

ACKNOWLEDGMENT: I, Wendy Ferrara, P.T., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$1500 (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.

  
Wendy Ferrara P.T.

Dated:

9/17/01

cc: Carmen A. Rodriguez, Deputy Attorney General

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